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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/879,743	06/11/2001	David P. Maher	7451.0036-00	5125

22852 7590 12/08/2005

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EXAMINER

PICH, PONNOREAY

ART UNIT	PAPER NUMBER
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2135

DATE MAILED: 12/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/879,743

Applicant(s)

MAHER ET AL.

Examiner

Ponnoreay Pich

Art Unit

2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                                             |                                                                                         |
|---------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                                                 | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                                        | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/2005</u> . | 6) <input type="checkbox"/> Other: _____                                                |

### **DETAILED ACTION**

Claims 1-20 are pending. Claims 17-20 were newly added. Any well known art statements not argued by applicant are taken as admittance of prior art, see MPEP 2144.03(c).

#### ***Response to Amendment***

Applicant's amendments have been noted. Any rejections or objections not repeated below for record are withdrawn due to applicant's amendments.

#### ***Response to Arguments***

Applicant's arguments have been considered, but are moot in view of new grounds of rejections presented below. The new grounds of rejection are made due to applicant's amendments.

#### ***Claim Objections***

Claims 13 and 17 are objected to because of the following informalities:

1. Claim 13 refers to a fourth digital certificate. However, none of the claims from which claim 13 depends refer to a third digital certificate. The examiner suspects that applicant meant for the certificate mentioned in claim 11 to be recited as a third digital certificate instead of merely a certificate.
2. As per claim 17, the examiner believes that the comma in line 3 should be deleted.
3. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

1. Claims 1 and 19 recite "the electronic rule" which lacks antecedent basis. The examiner suspects applicant may have meant "the at least one electronic rule".
2. Any claims not specifically addressed are rejected by virtue of dependency.

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 19-20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

#### **Claims 19-20:**

Claim 19 recites the steps of a method that can be implemented via software alone. Software by itself is not statutory. Claim 20 merely further defines the software method of claim 19. Nothing statutory was recited in claim 20 either. The examiner notes that if applicant were to modify claim 19 such that it recites a hardware implementing the method, the 101 rejections can be overcome. The hardware would of course have to be supported by the specification.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 16-17, and 19 are rejected under 35 U.S.C. 103(a) as being obvious over Peinado et al (US 6,775,655) in view of Ahmad (US 5,925,127).

**Claim 1:**

As per claim 1, Peinado discloses the limitations of:

1. Executing an application program, the application program being capable of rendering electronic content, the application program having at least a first digital certificate associated therewith (col 2, lines 53-56; col 17, line 66-col 18, line 4; and col 18, lines 56-57).
2. Requesting the application program to render a piece of electronic content (col 2, lines 53-56 and col 13, lines 61-66), the piece of electronic content having at least a second digital certificate associated therewith, and the piece of electronic content further having associated therewith at least one electronic rule, the at least one electronic rule including data specifying one or more conditions associated with rendering the piece of electronic content, the one or more conditions including a condition that the piece of electronic content may be rendered by an application program having the first digital certificate associated therewith (col 15, lines 3-29 and col 17, line 32-col 18, line 4).

3. Examining the data included in the at least one electronic rule to determine that the piece of electronic content may be rendered by an application program having the first digital certificate associated therewith (col 15, lines 3-29 and col 17, line 32-col 18, line 4).
4. Rendering the piece of electronic content using the application program (Fig 5B).

Peinado does not explicitly disclose verifying the association of the first digital certificate with the application program. However, Ahmad discloses an application program associated with a first digital certificate and verifying the association of the first digital certificate with the application program (col 2, lines 37-49). At the time applicant's invention was made, it would have been obvious to one of ordinary skill in the art to modify Peinado's invention using Ahmad's teachings according to the limitations recited in claim 1. One of ordinary skill would have been motivated to incorporate Ahmad's teachings because having the application check for an up-to-date license/digital certificate before each use would prevent a user from being able to use an application if they have not paid the fee for the application, i.e. software license fee or rental fee.

**Claim 2:**

The limitation recited in claim 2 is obvious to Peinado's modified invention. Peinado discloses the first digital certificate is generated by a first entity (col 13, lines 7-13 and col 18, lines 56-67). The DRM updates the black box which contains the first digital certificate, thus generating the first digital certificate. Peinado further discloses

the second digital certificate is generated by a second entity different from the first entity (col 20, lines 63-66). The license server is the second entity.

**Claim 16:**

The limitation recited in claim 16 is obvious to Peinado's modified invention. The examiner submits that it is common practice in the art that when executing a program, to first verify that the user has a license to use the program before allowing the user to use the program for any purpose. Because of this, in Peinado's modified invention, the verification of the association of the second digital certificate with the piece of electronic content must be performed after the step of verifying the association of the first digital certificate with the application program. One of ordinary skill would have been motivated to verify the association of the second digital certificate after verifying the association of the first digital certificate because it is standard practice in the art to verify that a user can use the application before allowing the user to actually use the application for any purpose, i.e. such as rendering an electronic content.

**Claim 17:**

Peinado and Ahmad do not explicitly disclose wherein the step of verifying the association of the first digital certificate with the application program includes computing a hash of at least part of the application program, and comparing the hash to a value contained in the digital certificate. However, hash algorithms were well known in the art at the time applicant's invention was made as they are disclosed by Peinado (col 31, lines 5-20). Hashes are used for verification purposes, therefore it would have been obvious to one of ordinary skill in the art at the time applicant's invention was made to

further modify Peinado's invention such that the verification of the association of the first digital certificate with the application program includes computing a hash of at least part of the application program and comparing the hash to a value contained in the digital certificate. One of ordinary skill would have been motivated to do so because Peinado wanted to verify that the application wanting to render an application is the same one that originally requested the DRM to run (col 24, lines 16-21). The use of a hash comparison would provide this verification.

**Claim 19:**

The examiner notes that claim 19, though broader, is substantially similar to claim 1.

Peinado discloses the limitations of:

1. Receiving a request from an application program to render a piece of electronic content (col 2, lines 53-56 and col 13, line 61-col 14, line 42), the piece of electronic content having at least one electronic rule associated therewith, the at least one electronic rule including data specifying one or more conditions associated with rendering the piece of electronic content, the one or more conditions including a condition that the piece of electronic content may be rendered by an application program having a predefined digital certificate associated therewith (col 15, lines 3-29 and col 17, line 32-col 18, line 4), the predefined digital certificate attesting to the application program's possession of one or more characteristics (col 18, line 56-col 19, line 16).



2. Retrieving the at least one electronic rule (col 15, lines 3-29 and col 17, line 32-col 18, line 4).
3. Examining the data included in the electronic rule to determine that the piece of electronic content may be rendered by an application program having the predefined digital certificate associated therewith (col 15, lines 3-29 and col 17, line 32-col 18, line 4).
4. Granting the request to render the piece of electronic content using the application program if the verifying step is successful (Fig 5A-5B).

Peinado does not specifically disclose verifying the association of the predefined digital certificate with the application program. However, Ahmad discloses an application program associated with a predefined digital certificate and verifying the association of the predefined digital certificate with the application program (col 2, lines 37-49). At the time applicant's invention was made, it would have been obvious to one of ordinary skill in the art to modify Peinado's invention using Ahmad's teachings according to the limitations recited in claim 19. One of ordinary skill would have been motivated to incorporate Ahmad's teachings because having the application check for an up-to-date license/digital certificate before each use would prevent a user from being able to use an application if they have not paid the fee for the application, i.e. software license fee or rental fee.

Claims 3 and 20 are rejected under 35 U.S.C. 103(a) as being obvious over Peinado et al (US 6,775,655) in view of Ahmad (US 5,925,127) and further in view of "SDMI Portable Device Specification, Part 1, Version 1.0" hereafter referred to as "SDMI".

**Claim 3:**

Peinado and Ahmad do not explicitly disclose the first entity comprises an association of one or more content providers, and the first digital certificate is associated with the application program if the application program meets certain predefined criteria set by the association.

However, the Secure Digital Music Initiative is an association known at the time the applicant's invention was made. The members of the association consist of about 200 companies who are electronic content providers. SDMI discloses that an application is SDMI-Compliant if it conforms to the requirements set forth in the specification published by the members of the Secure Digital Music Initiative (p6, definition 3.5). The Secure Digital Music Initiative and its specification shows that content providers are interested in security control of their content to the extent of even specifying what set of criteria an application must meet before being allowed legally access/render the content. They also show that it was possible at the time the applicant's invention was made to do provide such control.

In light of the above, it would have been obvious for one of ordinary skill in the art at the time of the applicant's invention was made to further modify Peinado's invention

according to the limitation recited in claim 3 in light of SDMI's teachings. One of ordinary skill would have been motivated to do so because it would allow content providers to have better security and control over their contents.

**Claim 20:**

Peinado and Ahmad do not explicitly disclose the predefined digital certificate indicates that the application program checks output drivers for integrity. However, SMDI discloses that an application is SDMI-Compliant if it conforms to the requirements set forth in the specification published by the members of the Secure Digital Music Initiative (p6, definition 3.5). The Secure Digital Music Initiative and its specification shows that content providers are interested in security control of their content to the extent of even specifying what set of criteria an application must meet before being allowed legally access/render the content. They also show that it was possible at the time the applicant's invention was made to do provide such control.

In light of SDMI's teachings, it would have been obvious to one of ordinary skill to further modify Peinado's invention such that the predefined digital certificate indicates that the application program checks output drivers for integrity because it would indicate that the application program is SDMI compliant in that it checks for a valid credential or signature associated with the digital content before rendering it.

Claims 4-5 are rejected under 35 U.S.C. 103(a) as being obvious over Peinado et al (US 6,775,655) in view of Ahmad (US 5,925,127) and "SDMI Portable Device Specification, Part 1, Version 1.0" hereafter referred to as "SDMI" and further in view of Sullivan et al (US 6,662,365).

**Claim 4:**

Peinado, Ahmad, and SDMI do not specifically disclose the second entity comprises an entity concerned with controlling the nature of the electronic content that is rendered by the application program, and the second digital certificate is associated with the piece of electronic content if the piece of electronic content meets certain predefined standards. However, Sullivan discloses that at the time the applicant's invention was made, there existed an entity concerned with controlling the nature of electronic content, i.e. parents or the MPAA (col 1, lines 16-18). Sullivan further discloses that it was well known that television programs use MPAA ratings if the program meets certain criteria such as violence being found in the program (col 1, lines 33-44).

It would have been obvious for one of ordinary skill in the art at the time applicant's invention was made to further modify Peinado's invention in light of Sullivan's teachings according to the limitations recited in claim 4. One of ordinary skills would have been motivated to do so as it would allow for the piece of electronic content to be rated and for parents to control if their children were allowed to access the content or not based on the ratings.

**Claim 5:**

The limitation of the second entity comprises a private or governmental entity that determines whether content is appropriate for minors, and the second digital certificate indicates that the piece of electronic content is deemed appropriate for minors is obvious to Peinado's modified invention. Sullivan discloses that at the time the applicant's invention was made, it was well known that MPAA ratings were used to determine whether the content is appropriate for minors (col 1, lines 33-44 and col 8, lines 31-36). This reads on the limitation recited in claim 5. Note that since the second digital certificate is used to control rules for rendering the digital content (Peinado: col 17, lines 32-59), it would have been obvious to also use the second digital certificate to indicate that the piece of electronic content is deemed appropriate for minors. One of ordinary skill would have been motivated to use the second digital certificate to indicate this because the second digital certificate is used to indicate usage rules.

Claims 6-8 are rejected under 35 U.S.C. 103(a) as being obvious over Peinado et al (US 6,775,655) in view of Ahmad (US 5,925,127) and "SDMI Portable Device Specification, Part 1, Version 1.0" hereafter referred to as "SDMI" and further in view of Lion (US 6,330,491).

**Claim 6:**

Peinado, Ahmad, and SDMI do not specifically disclose the piece of electronic content comprises a prescription, and in which the first entity associates the first digital certificate with the application program if it is determined that the application program

will handle the prescription with at least a predefined level of security. However, Lion discloses the piece of electronic content comprises a prescription, i.e. Rx (col 3, lines 53-64). Further, Lion discloses an Rx vending machine (RVM) which requires that a user be authenticated before it can be used (col 4, lines 41-54). Lion also discloses that only RVM's associated with the network can be used to fill prescriptions (col 6, lines 10-13).

In light of how dangerous some prescription medications are, it is especially important that the application program which reads digital prescriptions and dispenses the medication have some predetermined level of security so that some first entity could reasonably entrust it to fill prescriptions safely. It is also important that the identity of everyone involved in filling the prescription be verified for safety reasons from the physician issuing the prescription, the pharmacist who fills the prescription, to the user/patient who gets the prescription. Therefore, it would have been obvious for one of ordinary skill in the art at the time the applicant's invention was made to further modify Peinado's invention according to the limitations of claim 6 in light of Lion's teachings. One of ordinary skills would have been motivated to do so as it would allow for electronic prescriptions to be written and filled in a secure manner due to concern for medical safety.

**Claim 7:**

The limitation of the predefined level of security includes a requirement that the application verify that an application user has a predefined certificate before rendering the prescription is obvious to Peinado's modified invention because Lion discloses the

predefined level of security includes a requirement that the application verify that an application user has a predefined certificate before rendering the prescription (col 3, lines 53-64 and col 5, lines 47-52).

**Claim 8:**

The limitation of the predefined certificate indicates that the user is a licensed pharmacist is obvious to Peinado's modified invention because Lion discloses the predefined certificate indicates that the user is a licensed pharmacist (col 5, lines 47-52).

Claim 9 is rejected under 35 U.S.C. 103(a) as being obvious over Peinado et al (US 6,775,655) in view of Ahmad (US 5,925,127), "SDMI Portable Device Specification, Part 1, Version 1.0" hereafter referred to as "SDMI", and Lion (US 6,330,491) and further in view of further in view of Hsu et al (US 5,982,898).

**Claim 9:**

Peinado, Ahmad, and SDMI do not specifically disclose a certified pharmacist is identified by digital certificate issued by a third entity different from the first and second entity. However, Lion discloses a certified pharmacist is identified by a digital certificate (col 5, lines 47-52). Lion also does not explicitly disclose wherein said digital certificate is issued by a third entity different from the first and second entity. However, independent or third party entities which verify a user's identity and issues certificates

which authenticates the user to other parties were well known at the time the applicant's invention was made as disclosed by Hsu (col 1, lines 32-51).

It would have been obvious for one of ordinary skill in the art at the time applicant's invention was made to further modify Peinado's invention according to the limitations of claim 9 in light of Lion and Hsu's teachings. One of ordinary skills would have been motivated to do so as it would have resulted in better security and more reliability that a user (i.e. the physician, pharmacist, patient, or some other user) is who they claim to be.

Claims 10-15 are rejected under 35 U.S.C. 103(a) as being obvious over Peinado et al (US 6,775,655) in view of Ahmad (US 5,925,127) and "SDMI Portable Device Specification, Part 1, Version 1.0" hereafter referred to as "SDMI" and further in view of Sullivan et al (US 6,662,365), Lion (US 6,330,491), and Hsu et al (US 5,982,898)

**Claim 10:**

Peinado, Ahmad, SDMI do not disclose the second entity associates the second digital certificate with the prescription if the prescription originated from a certified physician. However, Lion discloses a pharmacist verifying the validity of an electronic prescription request by contacting the prescribing physician, i.e. certified physician (col 5, lines 26-29). This shows that having to verify the physician's identity listed on the



electronic prescription was a known concern at the time the applicant's invention was made. Further, as mentioned in claim 9, Hsu discloses that one known way of verifying a party's identity with a reasonable degree of confidence is with a certificate issued by an independent party, i.e. the second entity (col 1, lines 32-51). These teachings read on the limitation recited in claim 10.

Therefore, it would have been obvious at the time the applicant's invention was made to further modify Peinado's invention according to the limitations recited in claim 10 in light of Lion and Hsu's teachings. One of ordinary skill would have been motivated to do so for the same reasons given in claims 6 and 9. One of ordinary skills would have further been motivated to do so because having a second entity associate a second digital certificate with the prescription if the prescription originated from a certified physician gives further confidence that the prescription was checked for validity.

**Claim 11:**

Peinado, Ahmad, SDMI do not disclose a certified physician is identified by a certificate issued by a third party entity different from the first and second entities. However, Lion discloses having to verify a physician's identity (col 5, lines 26-29). Further, Hsu discloses that one known way of verifying a party's identity with a reasonable degree of confidence is with some sort of certificate issued by an independent party (col 1, lines 32-51).

Therefore, it would have been obvious at the time the applicant's invention was made to further modify Peinado's invention according to the limitations recited in claim

11 in light of Lion and Hsu's teachings. One of ordinary skills would have been motivated to do so for the same reasons given in claim 6.

**Claim 12:**

Peinado, Ahmad, SDMI, Sullivan, Lion, and Hsu do not explicitly disclose the second entity determines that a prescription originates from a certified physician by checking for the presence of the certificate issued by the third entity. However, the step recited in claim 12 must be done for the second entity to verify that the prescription originated from a certified physician since the physician is identified as a certified physician by the certificate, therefore the limitation is obvious to Peinado's modified invention.

**Claim 13:**

Peinado, Ahmad, SDMI, Sullivan, and Lion do not explicitly disclose the rendering application is further associated with a fourth digital certificate, the fourth digital certificate attesting to a determination having been made by a fourth entity that the application program possesses a predefined functionality. However, Hsu discloses that verification by an independent party was well known at the time the applicant's invention was made (col 1, lines 32-51). Further, as mentioned previously in claim 3, SDMI teaches that content providers are interested in controlling their electronic content and would want to verify that an application accessing their electronic content meets certain criteria.

Therefore, it would have been obvious for one of ordinary skill in the art at the time the applicant's invention was made to further modify Peinado's invention according

to the limitations recited in claim 13 in light of Hsu and SDMI's teachings. One of ordinary skill would have been motivated to do so because it would allow for assurance to the electronic content provider that the application accessing their electronic content meets certain criteria.

**Claim 14:**

Peinado, Ahmad, SDMI, Sullivan, Lion, and Hsu do not explicitly disclose the predefined functionality includes functionality that ensures that the application program verifies the association of the second digital certificate with the piece of electronic content before rendering the piece of electronic content. However, the limitation recited in claim 14 must exist in Peinado's modified invention. The reason it must exist is that as discussed, content providers are interested in controlling their electronic content and programs which access those electronic contents. The only way they can be assured of this control is if there exists some functionality in the application which checks for the presence for the second attribute before rendering the electronic content.

**Claim 15:**

Peinado, Ahmad, SDMI, Sullivan, Lion, and Hsu do not explicitly disclose verifying the association between the application and the fourth digital certificate. However, this limitation must exist for the content providers to have reasonable assurance that the application accessing their contents has been verified to meet certain criteria.

Claim 18 is rejected under 35 U.S.C. 103(a) as being obvious over Peinado et al (US 6,775,655) in view of Ahmad (US 5,925,127) and further in view of Hall et al (US 5,920,861).

**Claim 18:**

Peinado and Ahmad do not explicitly disclose decrypting a secure container containing a piece of electronic content and the electronic rule and retrieving the electronic rule from the secure container.

However, Hall discloses a secure container containing a piece of electronic content and the electronic rule (col 1, lines 34-65). At the time applicant's invention was made, it would have been obvious to one of ordinary skill in the art to use Hall's teachings to contain a piece of electronic content and electronic rule in a secure container. One of ordinary skill would have been motivated to do so because Hall discloses that the secure container allow digital content to be safely and securely stored and transported (col 1, lines 34-36).

Hall does not explicitly disclose decrypting the secure container and retrieving the electronic rule from the secure container. However, the examiner submits that encryption of content was a well known method of securing digital content and to retrieve the content, one must decrypt the encrypted content. It would have been obvious to one of ordinary skill in the art to decrypt the secure container because it would allow for retrieval of the secured content for use. It would have been further obvious to one of ordinary skill to retrieve the electronic rule from the secure container because one needs to know what usage rules to apply to the content in the container in

Peinado's modified invention. Obviously in Peinado's modified invention since the second digital certificate which contains the usage rules can be examined, the electronic rules must have been retrieved from the secure container.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ponnoreay Pich whose telephone number is 571-272-7962. The examiner can normally be reached on 9:00am-4:30pm Mon-Fri.

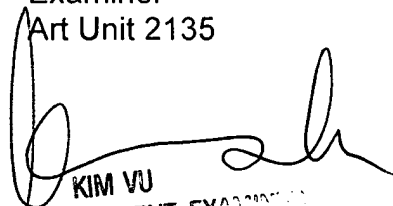
Art Unit: 2135

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 571-272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PP

Ponnoreay Pich  
Examiner  
Art Unit 2135



KIM VU  
ELECTRONIC PATENT EXAMINER  
ELECTRONIC BUSINESS CENTER 2135